

RESOLUTION NO. 2008- 72

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWPORT BEACH APPROVING THE TRANSFER OF
DEVELOPMENT RIGHTS IN THE NORTH NEWPORT
CENTER PLANNED COMMUNITY (TD 2008-2001,
PA 2008-126)**

WHEREAS, The Irvine Company has applied to the City of Newport Beach for approval of a transfer of development rights as follows:

- (1) The conversion of 72,000 square feet of City Hall to 72,000 square feet of general office within North Newport Center Block 500.
- (2) The transfer to North Newport Center Block 500 of development rights for development of approximately 24,428 square feet currently assigned to Newport Center Block 600.

WHEREAS, General Plan Policy LU 6.14.3 permits development rights to be transferred within Newport Center as long as the transfer is consistent with the intent of the General Plan and will not result in any adverse traffic impacts.

WHEREAS, the North Newport Center Planned Community Development Plan provides that the City Council shall approve a transfer of development rights if it finds that the transfer will result in no more trips and no greater intensity of land use than the development allowed without the transfer.

WHEREAS, a traffic study entitled *Transfer of Development Rights in North Newport Center Planned Community* (Austin-Foust Associates, Inc., July 3, 2008) was prepared for the application for the transfer of development rights in compliance with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan.

WHEREAS, the traffic study found that, consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in any adverse traffic impacts.

WHEREAS, an intensity analysis was prepared by the City Manager's Office and demonstrates that the transfer of development rights will not result in greater intensity than development allowed without the transfer.

WHEREAS, the City Council considered the application at a public meeting on July 22, 2008, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California, at which time the City Council considered the transfer of development rights, as well as the traffic and intensity studies.

WHEREAS, the City Council finds that:

(1) Consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in any adverse traffic impacts, as documented in the traffic study.

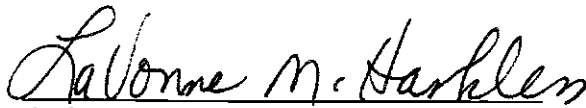
(2) Consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in greater intensity than that which is allowed without the transfer, as documented in the intensity study, and is consistent with the intent of the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the transfer of development rights (TD 2008-001, PA 2008-126), based on the weight of the evidence in the administrative record, including the traffic and intensity studies.

PASSED AND ADOPTED on the 22nd day of July, 2008.


MAYOR

ATTEST:


CITY CLERK



Traffic Study
(To be attached upon approval)

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2008-72 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 22nd day of July 2008, and that the same was so passed and adopted by the following vote, to wit:

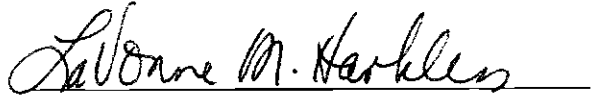
Ayes: Henn, Rosansky, Daigle, Curry, Webb, Gardner, Mayor Selich

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 23rd day of July 2008.



City Clerk
Newport Beach, California

(Seal)

